

disallowance of GCT. Gainer alleges that the DHO failed to provide him with a written statement of the evidence relied on and the reasons for the sanctions imposed (“DHO report”). Based on this alleged violation of due process rights, Gainer seeks expungement of the disciplinary offenses and restoration of the GCT.

The Report recommends finding that Gainer received copies of the DHO reports regarding Claims (E) and (F) in 2019 during the course of this litigation, *see* ECF Nos. 11-8, 11-9. Finding material facts in dispute regarding the respondent’s defenses, however, the Report recommends denying the Motion for Summary Judgment. No party has filed objections to the Report, and I find no clear error.

For the stated reasons, it is **ORDERED** as follows:

1. The Report and Recommendation, ECF No. 18, is ADOPTED in full;
2. The respondent’s Motion for Summary Judgment, ECF No. 10, is DENIED; and
3. Petitioner Gainer is hereby DIRECTED TO SHOW CAUSE within 21 days from the entry of this Order why this case should not be dismissed as moot, because he now has copies of the DHO Reports related to Claims (E) and (F).

ENTER: September 30, 2020

/s/ James P. Jones
United States District Judge